

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN RE TROY ANTHONY DAVIS)
)
)

CASE NO. CV409-130

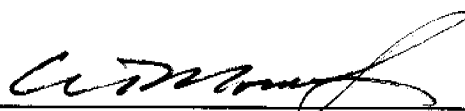
O R D E R

Before the Court is Respondent's Motion to Direct Petitioner to Submit Filing in Compliance with Federal Rule of Civil Procedure 26(a)(3)(A)(i). (Doc. 50.) In the Motion, Respondent requests that the Court direct Petitioner to comply with Federal Rule of Civil Procedure 26(a)(3)(A)(i), and provide addresses and phone numbers for those witnesses he intends to call during the June 23, 2010 evidentiary hearing. (Id.)

"The Federal Rules of Civil Procedure apply in the habeas context to the extent that they are not inconsistent with the Habeas Corpus Rules." Woodford v. Garceau, 538 U.S. 202, 203 (2003), accord Rule 12 of the Rules Governing Section 2254 Cases in the United States District Court ("The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules."). Because Federal Rule of Civil Procedure 26(a)(3)(A)(i) is not inconsistent with any statutory provision or the Habeas Rules, it applies to Petitioner's

witness list. Accordingly, Respondent's Motion is **GRANTED** and Petitioner is **DIRECTED** to provide Respondent with addresses and phone numbers for all witnesses Petitioner may call to testify on his behalf at the June 23, 2010 Evidentiary Hearing. Petitioner is **ORDERED** to provide the addresses and phone numbers by 2:00 p.m. on June 8, 2010.

SO ORDERED this 7th day of June 2010.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA